**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 948 OF 1992**

Dushant Ganpat Gurav & Anr. ..Petitioners

versus

Ganpat Raghunath Gurav & Ors. ..Respondents

Mr. P. S. Dani for the Petitioners.

Mr. A. S. Khandeparkar with D. Brijesh i/b. Ms. Shilpa Joshi for the Respondents No. 2 to 4.

**CORAM : D. G. DESHPANDE, J.**

**DATE : 20TH SEPTEMBER, 2006**

**ORAL ORDER :**

1. Heard Advocate for the Petitioners and the Respondent Nos. 2 to 4.

2. This petition arises out of an order of the Joint Charity Commissioner, Bombay, dated 7.12.1991 by which Revision of the Petitioner was rejected or dismissed. This Revision of the Petitioner was Revision Application No. 23 of 1989. It was filed under Section 70A of the Bombay Public Trusts Act, 1950. It was in the matter of Shri Kashi

Vishweshwar Mahadev Devasthan, Taluka Vasai, Dist: Thane. It was filed in 1989 against the order of the Assistant Charity Commissioner dated 9.7.1958 in Registration Inquiry No. AT/19/311 of 1955 in respect of the said Devasthan. This Revision was filed by two minor sons through their natural guardian mother Smt. Saraswati Bai Ganpat Gurav. Natural father of these two minors was Ganpat Raghunath Gurav. He was respondent No.1. It was alleged by the petitioners in the Revision that according to them earlier Managing Trustees were hereditary but by reason of compromise between the Respondent No.1 and others, apart from the hereditary post, five other persons were inducted as trustees and that was against the interest of these petitioners - applicants before the Charity Commissioner in Revision Application.

3. This claim and contention of the petitioners was rejected by the Joint Charity Commissioner on two grounds, firstly, there was inordinate delay of about 30 years in filing the Revision Application, and, secondly, the applicant’s father who was respondent No.1 was acting as a trustee. He has entered into compromise. That was acted upon and

accepted by the party and the minors now could not be permitted to challenge that compromise or the state of affairs that was going on for all the time smoothly. Rightly, the Charity Commissioner held that during the life time of their father, the petitioners while were minors could not challenge what was done by the father. In view of this, no perversity is found in the impugned order. There is no merit. The Petition is dismissed. Rule is discharged. Stay, if any, stands vacated.

**(D.G. DESHPANDE, J. )**